

NOTICE OF PROPOSED RULEMAKING

The Department of Justice (DOJ) proposes to amend sections 4001 and 4002 of Title 11, Division 5, Chapter 1, of the California Code of Regulations (CCR) concerning Bureau of Firearms (BOF) fees.

PUBLIC HEARING

DOJ will hold a public hearing to receive public comments on the proposed regulatory action at 10:00 a.m. on September 24, 2013, at the Department of Water Resources Auditorium located at 1416 9th Street, in Sacramento, California. The auditorium is wheelchair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. DOJ requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on September 24, 2013. Only comments received by DOJ prior to the close of the comment period will be considered. Submit written comments to:

Jeff Amador
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: jeff.amador@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Penal Code sections 28225, 28230, and 28240
Reference: Penal Code sections 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28220, 28225, 28230, 28235, 28240, 28490, and 31115

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Laws and Regulations

Penal Code (PC) sections 27560, 27565, 27875, 27920, 28225, 28230, and 28240 authorize DOJ to charge a fee sufficient to reimburse its costs for processing Dealer's Record of Sale (DROS) transactions and various firearms reports regarding the acquisition and ownership of firearms. The fees also fund DOJ firearms-related regulatory and enforcement activities including the Armed Prohibited Persons System (APPS). Sections 4001 and 4002 of Title 11, Division 5, Chapter 1, of the California Code of Regulations (CCR) specify the fees and establish the forms for the various firearms reports.

Effective January 1, 2014, Assembly Bills (AB) 809 (Feuer) (ch. 745, Stats. 2011) and AB 1559 (Portantino) (ch. 69, Stats. 2012) added section 27966 PC and amended sections 27560, 27565, 27875, 27920, 28230 and 28240 PC. New section 27966 PC requires DOJ to provide a new report form for licensed collectors of curio or relic firearms to report their in-state acquisition of curio or relic (C & R) long guns. As amended, sections 28230 and 28240 PC require a single \$19 fee to be charged when multiple firearms (handguns or long guns) are acquired or reported. Finally, pursuant to amended sections 27560, 27565, 27875, and 27920 PC, three firearms reports that currently apply only to handguns, will become applicable to all firearms.

Effect of the Proposed Rulemaking

The proposed rulemaking will amend the current regulations as necessary to implement these new and amended laws that become effective January 1, 2014.

Proposed section 4001 will eliminate the additional DROS fee (\$15 per gun) for multiple firearms acquired at the same time. As amended, the regulation will require a single \$19 DROS fee to be charged when multiple firearms (handguns or long guns) are reported at the same time.

Proposed section 4002 will eliminate the additional fee (\$19 per gun) for multiple firearms reported at the same time by the owner. Additionally, three handgun reports will be revised to make them applicable to all firearms. New subsection (e) of section 4002 will establish a new report and fee for federally licensed C & R collectors who will need to report their acquisition of C & R long guns in California from non-dealers pursuant to section 27966 PC.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The broad objectives of the proposed regulations are to make the existing regulations consistent with changes in the law regarding DROS fees and various firearms reports. Firearms dealers and individuals who purchase or report ownership/acquisition of multiple firearms will pay a single transaction fee eliminating additional fees for multiple firearms purchased or reported at the same time.

Various firearms report forms have been revised to include long guns (rifles and shotguns) and a new report form was established for federally licensed C & R collectors who acquire C & R long guns in California from non-dealers. These revised or new report forms will enable affected gun owners to comply with new laws that require them to report the acquisition and/or ownership of firearms beginning on January 1, 2014.

The proposed regulatory action does not provide any readily identifiable benefits to the health and welfare of California residents, worker safety, or the environment.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The DOJ has evaluated the proposed regulations and determined they are consistent and compatible with existing regulations. This determination is based on the fact that there are no other state regulations that address the subject matter of the proposed regulations.

FORMS INCORPORATED BY REFERENCE

Collector's In-State Acquisition of Curio or Relic Long Gun Report, BOF 961 (01/2014)

Curio or Relic Firearm Report, BOF 4100A (Rev. 01/2014)

Firearm Ownership Record, BOF 4542A (Rev. 01/2014)

New Resident Firearm Ownership Report, BOF 4010A (Rev. 01/2014)

Report of Operation of Law or Intra-Familial Firearm Transaction, BOF 4544A (Rev. 01/2014)

DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ has made the following initial determinations:

Significant, Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: None.

Small Business Determination: DOJ has determined the proposed regulations will not affect small business. The fees reduced by the proposed regulations are paid by firearm purchasers (collected by firearm dealers and subsequently submitted to DOJ) and individuals who submit various firearm reports directly to DOJ.

Cost Impacts That a Representative Private Person or Business Would Incur in Reasonable Compliance With the Proposed Action: Individuals who purchase or report the acquisition of multiple firearms will benefit from the elimination of additional fees when multiple firearms are purchased or reported at the same time.

Significant Effect on Housing Costs: None.

Mandate on Local Agencies or School Districts: None.

Cost to Any Local Agency or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost or Savings to Any State Agency: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulations will eliminate additional fees (\$15 or \$19) when multiple firearms are purchased or reported at the same time. However, fewer than one percent of all firearm transactions reported to DOJ involve multiple firearms. Therefore, because the proposed regulations provide a relatively small fee reduction for less than one percent of the firearm transactions, DOJ has determined that there will be no economic impact.

The proposed regulations will not affect:

1. The creation or elimination of jobs within California.
2. The creation of new businesses or the elimination of existing businesses within California.
3. The expansion of businesses currently doing business within California.
4. The health and welfare of California residents, worker safety, or the environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of DOJ that is more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Jeff Amador at (916) 227-4217, or Kathy Chipman at (916) 227-4013, or by mail. The mailing address for Jeff Amador and Kathy Chipman is:

Bureau of Firearms
Attn: Rulemaking
P.O. Box 160487
Department of Justice
Sacramento, CA 95816-0487

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations, the initial statement of reasons and the report forms (incorporated by reference) are available on the DOJ website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jeff Amador.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ makes modifications, which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) will be available to the public for at least 15 days and written comments will be accepted before DOJ adopts the regulations. The modified text will be posted and available on the DOJ website at <http://oag.ca.gov/firearms>. A hard copy of any modified text may be obtained by contacting Jeff Amador.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>. A hard copy of the Final Statement of Reasons may be obtained by contacting Jeff Amador.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in *strikeout* and *italics* format, and the Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>.